

Plaintiff filed a Landlord/Tenant Summary Possession petition on August 31, 2016 seeking a judgment of \$577.50, court costs of \$41.50, and possession of the rental unit located at 103 Par Haven Drive, Apt. K33, Dover, Delaware 19904. At issue is the Defendants failure to pay the entire August 2016 rent in full. Defendants paid only \$525.00 on August 12, 2016, leaving a balance due of \$577.50, which includes the late fee. Trial was held on September 28, 2016 and judgment, in part, was entered in favor of the Plaintiff. Plaintiff did not receive possession of the rental unit and filed a timely appeal on October 3, 2016. A trial *de novo* was then scheduled.

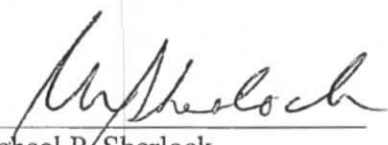
PRE-TRIAL MOTION TO WITHDRAW APPEAL

On the morning of this trial *de novo*, Plaintiff submitted a motion to withdraw their appeal. As of November 3, 2016, Plaintiff has received possession of the rental unit from Defendants and requests this case to be taken off the docket. Plaintiff did not inquire about the position of the opposing parties. Trial was to be heard at 10:00am. The court waited until 10:15am to convene the trial and at that time, neither of the parties had appeared.

CONCLUSION

Since Defendants failed to appear, Plaintiff's motion went unopposed. Based off the aforementioned, *the court GRANTS the motion to withdraw.*

IT IS SO ORDERED this 4th day of November, 2016.



Michael P. Sherlock
Justice of the Peace
FOR THE COURT